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Use of Force and Humanitarian Interventions – What Will Prompt Action?

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## **Use of Force and Humanitarian Interventions – What Will Prompt Action?**

The century has seen several momentous events that may appropriately be described as rearranging the structure of international relationships and essentially creating a new world order demanding visionary ideas to promote peace and ensure stability. For instance, the defeat of Germany in the First World War led Woodrow Wilson to call for the creation of a League of Nations in which “power would yield to morality, and force of arms to the dictates of public opinion.”<sup>1</sup> Likewise as World War II ended it was clear that new-sprung national relationships were forming. As it became evident that the Allies would defeat the Axis powers, Winston Churchill pressed his American allies to focus on the eastern front power vacuum created by retreating German troops. The results, had the Americans heeded Churchill’s vision, may have been substantially different power arrangements and relationships among states. The disintegration of the Soviet Union and the end of the Cold War might also be viewed as a colossal change. As a result of the collapse, the United States dominates all aspects of global power – military, economic, diplomatic and some believe – cultural. In what may be viewed as a new world order where the structure of international relationships are being rearranged the United States, as the world’s dominant power, is faced with a huge challenge on a scale similar to what it faced at the end of the World Wars.

This essay will focus on one aspect the United States’ power in the post-Cold War era: military power and the use of force. The “just war” principles outlined by Augustine in the fourth century provide an appropriate framework to

analyze whether the use of force to prevent certain human tragedies is just.

Using the just war framework as a guide, the United States should not hesitate to employ its military power and influence to discourage, prevent, or resolve select humanitarian crises.

### **The Challenge – Recklessness or Visionary Leadership**

In urging caution with respect to the use of military force in Bosnia, Secretary of State Madeline Albright chided then Joint Chief's Chairman Colin Powell by asserting, "What's the point of having this superb military that you're always talking about if we can't use it?"<sup>2</sup> The discourse characterizes a fundamental crossroads in approaches to American national security strategy and foreign policy. Her question is frustrating for its apparently foolhardy, almost immature failure to comprehend what it means to use force. The question reminds one of Mark Twain's quip that to "someone with a hammer, everything looks like a nail."<sup>3</sup> On the other hand, the question presents a bold and direct challenge. While perhaps not as poetic, it seems to embody a certain JFK resonance. The challenge implicitly recognizes the primacy of American power and a refusal to shrink from the challenges of the world.

The ability of the United States to justify forceful involvement in humanitarian crises has been suspect. The tragedy in Somalia and, most recently Kosovo, come to mind. Consequently, isolationists call for a "survivalist foreign policy" in which a fortified fence is built around America and we retreat behind it.<sup>4</sup> There is an impulse by many Americans to withdraw from the world,

squander our advantages, alienate our friends, diminish our credibility, betray our values, and discredit our example.<sup>5</sup>

The just war framework would certainly assist in establishing moral certainty and build confidence in U.S. involvement aimed at stemming human catastrophes. The paradox, however, is that in many cases forceful means are necessary to stem human suffering. Many balance of power realists and virtually every isolationist take a narrow view of what constitutes American interests and scoff at challenges such as that posed by Albright. Many argue that before any American lives are risked in a crisis a specific, clear, and definable “interest” is essential.

Narrowly defined interests that limit the ability of the United States to engage the world community could seriously impact the lives of future generations of Americans. The foremost crisis as we enter a new century is that the United States will refuse to lead. One aspect of leadership in the new millenium will be how humanitarian crises are handled. By applying just war principles to proposed forceful interventions to relieve human suffering, the United States will have established the foundation for the moral correctness of its actions. Confidant in the moral correctness of a particular future intervention the United States not only will relieve suffering and prevent tragedies, but it also advances its interests and establishes its leadership by actively engaging the world. As one of the great world powers, it is essential that the United States cultivate international cooperation, partnerships, and alliances, build coalitions,

and with respect to humanitarian threats and crises – work to “liberalize” worldwide human rights.

### **Just War Tradition**

Broadly, the elements of just war are usually divided into two categories; *jus ad bellum* – that which is just or right to engage in or resort to war, and *jus in bello* – that which is just or right within war.<sup>6</sup> While both are relevant in any analysis of the moral and ethical dilemmas of war, the intent of this essay is to focus on whether forceful humanitarian interventions are justified under *jus ad bellum*.

The central tenets of *jus ad bellum* consist of three key elements: 1) whether there is a just cause with regard to the use of force, 2) whether the use of force is mandated by a competent authority, and 3) whether force is used with the right intention. If all of these elements are met, then traditionally a nation is morally justified in prosecuting a war.

The notion of “just cause” developed out of the tradition that conquests were morally objectionable. Augustine maintained that use of force was justified to defend the nation or take back what an unjust aggressor has taken from the nation or its allies. It is essentially a cause that is born out of some measurable or identifiable conduct by another. The concept was further expanded by Thomas Aquinas to justify punishing evildoers or transgressors. In essence, a just cause exists if a basic, fundamental value is “threatened that is higher on a public good hierarchy than the disvalues involved in taking military action.”<sup>7</sup>

The concept of “competent authority” relates to the evaluation of military force by a legitimate government. If an illegal or unrecognized authority within a nation made a decision to go to war, then the decision would not be just since it would violate basic principles related to the governing of that society.<sup>8</sup> The rationale is that only governments, as representatives of the people can determine the morality of engaging in war. The concept has been blurred, as the legitimacy of a ruling body is often difficult to ascertain. Non governmental organizations, guerilla movements (e.g., Irish Republican Army), and alliances (e.g., NATO) are but a few examples of bodies claiming authority and legitimacy in the use of force. The modern test to determine if authority exists to prosecute a war focuses on the ability to limit the use of force and assesses the “depth and breadth of popular support this authority possess.”<sup>9</sup>

Finally, the concept of “right intention” has broadly been interpreted to mean – as outlined by both Aquinas and Augustine, “the advancement of good or the avoidance of evil.” While just cause deals with an objective situation and how it is ethically evaluated, the right intention concept is related to a state of mind and motives. The decision to go to war must be essentially protective. As Augustine pointed out, the goal of war is to obtain a just and durable peace.<sup>10</sup>

### **Humanitarian Interventions and the Application of Just War Concepts**

While the just war framework has been used as a moral compass in armed conflicts and wars among nations it is equally applicable in the realm of humanitarian interventions involving the use of force. First, in any humanitarian intervention the underlying issue is one of morals and ethics. While “morals and

ethics” are certainly, loaded terms, fundamentally the issue in a humanitarian crisis is one of right versus wrong. Similarly, the ultimate goal of a just war assessment is to determine whether it is right or wrong to use force. One might argue that morals and ethics are based on a sliding scale of perceptions and popular norms and thus, just war principles lose credibility and relevance. Some argue that because of the shifting nature of morals and ethics, just war traditions serve no useful purpose other than to justify the actions of each belligerent in a conflict.

The problem with these arguments is the history of warfare details horrific examples of the consequences of a failure to analyze actions using the just war framework. The desire for quick, decisive victories in many wars led to virtually unlimited forms of warfare – including the use of gas in the World War I, offensive strategic bombing aimed at “the will of the German, Japanese, and British people” and the obliteration of population centers in World War II, the use of the atomic bomb, and indiscriminate uses of napalm. Unlimited war is an anathema to the just war tradition. While “morals and ethics” are indeed shaped and developed based on the experiences and perceptions of society, they nevertheless serve to limit and restrain the use of force. The shifting nature of morals and ethics should not be used as an excuse for dismissing the just war concepts. Instead, it is precisely because of the motility of morals and ethics as well as the changing character and conduct of war that, before a state commits a force in an effort to resolve a conflict (i.e., any type of conflict or forceful



operation other than war), the just war balancing criteria be considered as a restraining mechanism.

As the character and conduct of warfare has changed through the centuries since Aquinas and Augustine so to have theories related to just war. The fact that the nature of warfare is constantly being altered, or that traditional “wars” have become more difficult to define does not change the broad underlying moral and ethical questions concerning the use of force. The fact is that debates pertaining to humanitarian interventions are inexorably ethical and thus, would benefit from a rigorous analysis using the just war framework.

Moreover, the introduction of arms to a conflict or other crisis could produce unexpected and undesired results. For instance, a war that assumes “its own momentum” as alluded to by Clausewitz is no longer focused on political objectives or desired results.<sup>11</sup> The just war principles attempt to keep war objectives focused. They force an analysis of the justness of a pursued cause or end state and thus seek to keep the war machine on its tracks. They are likewise essential to restrain force, as necessary, in a humanitarian crisis.

The focused and limited use of force, elemental to a just war analysis, is likewise fundamental to any humanitarian intervention demanding a military presence. Implicit in the just war framework is a requirement for an assessment of whether armed conflict is a last resort, the likely degree of success produced by an armed conflict, and the proportionality of the military means in accomplishing objectives. The just war framework attempts to limit war and thus limit suffering. The objective is a “just and durable peace.” Similarly, the broad

goal in a humanitarian crisis is to alleviate human suffering and achieve a peace comparable to that contemplated by Augustine.

Finally, the just war framework may appropriately be applied to forceful humanitarian interventions because, while sovereignty is still the basic “organizing principle of political power, political philosophy, and political science,” there are larger global issues and problems that transcend parochial sovereignty concerns. They include environmental issues, international security problems, and concerns related to information technology.<sup>12</sup> Moreover, and significantly for purposes of this essay, the creep of international laws into the realm of state affairs is largely a byproduct of failures by states to follow the guidelines of just war theories in conducting affairs.<sup>13</sup> The crises in Serbia, Bosnia, and Kosovo are an example. At the same time it is clear that a nation has a right to be free from interference in its internal affairs.

There are several possibilities for resolving sovereignty and “competent authority” issues related to forceful humanitarian interventions. The possibilities include codifying just war principles, strengthening and clarifying international laws, and possibly creating a body of small nations that would assess the nature of humanitarian crises and authorize interventions.<sup>14</sup> However, pending a more permanent resolution of the sovereignty issues, the just war tradition remains flexible and adaptive. The “depth and breadth” of an intervening nation or entity’s popular support applies to decisions regarding war as much as it does to decisions regarding forceful humanitarian interventions.

The situation in Kosovo provides an opportunity to assess the appropriateness and applicability of the just war tradition to a humanitarian crisis. The intervention by NATO to stop major human rights violations, ethnically motivated murders, and the possibility of ethnic cleansing certainly presented a just cause. And, given this underlying cause the expressed NATO intent of deterring ethnic cleansing was also proper. Many argue that NATO – traditionally a defensive alliance, was not a competent authority to decide whether to intervene in a nation's sovereign affairs. However, use of force by NATO arguably represented the collective will of the people of several nations and thus it was, in fact, a competent body under the just war framework.

The issue with regard to Kosovo is that while on the surface the intervention appears to be wholly supportable under the just war tradition, there does not appear to be a plan in place to produce what Augustine referred to as a “just and durable peace” which is the ultimate goal of any use of force. It is the bedrock of what makes certain wars just. Many believe the U.S.-led NATO forces were hugely effective and successful in its application of military power. Yet, the crisis seems far from being resolved. Instead of trumpeting Milosevic's military defeat the just war tradition would seemingly call for U.S. engagement through diplomacy, partnering with Europeans as well as the Russians, involvement of U.N. peacekeeping forces which would be protected from both Serbian and Kosovar forces by NATO or U.N. troops, and, with respect to the war crime indictments against Milosevic, consideration of plea bargaining.

### **What Will Prompt Action?**

Clearly, this analysis supports the conclusion that the just war framework is a proper tool for evaluating the appropriateness and correctness of forceful interventions in humanitarian causes. Given the availability of this moral compass the question remains what will prompt involvement in, and resolution of, humanitarian emergencies. The United States seems disjointed and confused in articulating a coherent policy of what will prompt it to act. The military being asked to “do more with less,” the denial of increased spending on foreign aid and State Department operations, and failure to resolve payments of United States debts to the U.N. illustrate the confusion.

The incoherent policies and an apparent trend toward isolationism may have served to contribute indirectly to the alarming number of armed conflicts in the world. The numbers alone should prompt action. From January 1990 through December 1996 the world saw 96 armed conflicts. A conservative estimate of the death toll in these wars is around 5.5 million people. Over 75 percent of those were civilians.<sup>15</sup> Certainly, as the President has stated, the United States cannot become involved in every problem we care about. On the other hand, with the just war framework as a guide, the timing as Ms. Albright recognized has never been better to engage the world by preventing or resolving humanitarian tragedies that we can do something about. By doing so the United States promotes its interest in expanding democratic principles and bolstering economic prosperity thereby enhancing our overall security.

First, the United States should, and must act with force, if necessary, whenever another nation or some other entity denies *fundamental unchanging*

*and universally accepted rights* of man.<sup>16</sup> The denial of fundamental and universally unchanging rights demands the same kind of attention that a nation would devote toward the pursuit of a vital national interest. These are rights that belong to man, not because he is a citizen of a particular state, but rather because he is a human being. Such rights transcend nations, cultures, and religion. Certainly the atrocities committed by the Nazis represented a denial of fundamental and universal rights of Jews and many others. The elimination of a particular ethnic race (e.g., in Rwanda) might be another. Actions with respect to this category of human rights affect the moral credibility and leadership of the United States as a world power.

Second, humanitarian crises provide an opportunity for United States to not only alleviate suffering but to promote its values. Such crises may present cost effective means of pursuing other national interests. New weapons technology, air power, precision guided munitions as well as advances in information collection and distribution systems permit a cost effective employment of limited and proportional force, at least when measured against human resources. The employment of such force to ameliorate and possibly prevent human suffering is consistent with just war principles. As a quid pro quo for such actions the United States should seek to foster closer ties, promote the enlargement of democracy, and enhance the stability of the state or region.

Finally, the United States should act because it won the Cold War. Consequently, activism in world affairs -- particularly to avert and possibly resolve a humanitarian crisis, is appropriate. The absence of Cold War politics

should be viewed as a super highway to a new world order. Certainly the Secretary of State perceives the dominance of U.S. power; particularly military power. She realizes that the Cold War precepts, which resulted in a Cold War victory, no longer work and are not relevant in the current international environment. As the sole super power the timing is right to engage the world, cultivate partnerships and alliances, and promote our values. Promoting our values may mean using force to prevent humanitarian catastrophes. And given the absence of Cold War politics the United States has much more latitude to act, to influence actions, and thereby promote vital, important, or other third tier interests. The United States should aggressively undertake action to prevent certain humanitarian catastrophes consistent with the "just war" tradition. Ms. Albright's challenge – as tempered by the above analysis related to just war, ought to be embraced.

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## NOTES

<sup>1</sup> Henry Kissinger, *Diplomacy – The Hinge: Theodore Roosevelt or Woodrow Wilson*, (New York: Simon and Schuster, 1994) p.51.

<sup>2</sup> Stephen Chapman, *Albright Brings A Good Story, But Not Good Ideas*, (Townhall – Creators Syndicate, Inc., February 6, 1997).

<sup>3</sup> Ibid.

<sup>4</sup> John F. Harris, *White House's Berger Assails the Hill's "Isolationist Right*, (The Washington Post, October 22, 1999) p. A5.

<sup>5</sup> Ibid.

<sup>6</sup> Mark Edward DeForrest, *Just War Theory and the Recent Air Strikes Against Iraq*, (Spokane: Gonzaga University Law School, Gonzaga University, 1997), p. 7

<sup>7</sup> W.L. LaCroix, *War and International Ethics – Tradition and Today*, (Lanham, MD: University Press of America, 1988), p. 147.

<sup>8</sup> Ibid. at footnote 6, citing William V. O'Brien, *Just War Doctrine in "Legal and Moral Constraints on Low-Intensity Conflict*, (Albert R. Coll, et al. eds. 1995). p .8.

<sup>9</sup> James Turner Johnson, *Can Modern War Be Just?*, (New Haven: Yale University Press, 1984) p. 24.

<sup>10</sup> Ibid. at footnote 6.

<sup>11</sup> Carl von Clausewitz, *On War*, ed. and trans. Michael Howard and Peter Paret (Princeton University Press, Princeton, NJ, 1976)

<sup>12</sup> Dan Smith, *Interventionist Dilemma and Justice*, (Norwegian Institute of International Affairs ), [www.nupi.no/UN/Chapter](http://www.nupi.no/UN/Chapter) 1.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Charles Rice, *50 Questions on the Natural Law*, (San Fransico: Ignatius Press, 1995) p.24.